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C O N F I D E N T I A L SECTION 01 OF 03 BAMAKO 001336

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E.O. 12958: DECL: 11/19/2017
TAGS: [KISL](#) [SOCI](#) [PHUM](#) [KWMN](#) [PINR](#) [ML](#)
SUBJECT: MUSLIM LEADERS CHALLENGE ATT OVER DEATH PENALTY
AND FAMILY LAW

Classified By: Political Officer Aaron Sampson, Embassy Bamako, for
reasons 1.4 (b) and (d)

1.(C) Summary: An estimated 3000 members of Mali's Muslim community held a peaceful demonstration at Bamako's Grand Mosque on November 4 to protest President Amadou Toumani Toure's decision to support abolition of the death penalty and provide improved rights for women and children. President Toure incurred the anger and surprise of Mali's Muslim leaders during his September 22 Independence Day address when he asked the National Assembly to abolish the death penalty and amend Mali's Family Code - issues that floundered in 2001 and 2004 respectively due to Muslim leaders' opposition. The sensitive nature of the two issues, combined with the President's apparent failure to consult with the Muslim community in advance, has sparked a religious backlash that has unified Mali's Muslim leaders. Anger within the Muslim community may also weaken the authority of the government sponsored High Council of Islam and increase the visibility of fringe Islamists. On the positive side, the continued controversy has highlighted the emerging importance of Mali's National Assembly as a deliberative body rather than a rubber stamp for measures introduced by the President. End Summary.

Surprise: ATT Revives Controversial Legislation

2.(U) During his September 22 Independence Day address President Amadou Toumani Toure (ATT) angered Mali's Muslim leadership by asking the National Assembly to ratify amendments to Mali's Family Code law and abolish the death penalty. The amendment to abolish the death penalty was first introduced in 2004 but failed to even reach the National Assembly floor for debate. Although Mali has not implemented the death penalty since the 1980s, Muslim leaders strongly oppose its abolition. The controversial Family Code amendments were first drafted in the late 1990s under former President Alpha Oumar Konare and would equalize inheritance rights for women, enable women to officially acquire Head of Household status and allow illegitimate children to adopt the family names of their mothers. The text was withdrawn from consideration in 2002 after running into steep opposition from Muslim leaders. ATT did not attempt to revive the code during his first five years in office.

3. (C) ATT is often criticized for being indecisive by opponents and allies alike. Examples include the long-delayed formation of his new government, the nearly three months of official silence in response to the capture of several dozen Malian soldiers by Tuareg bandits, and the failure to name a new Secretary General of the Presidency to replace Modibo Sidibe who is now Prime Minister. While a variety of political considerations as well as the President's personality traits might as easily explain these behaviors, the perception of this tendency toward the non-decision made ATT's apparently impromptu request for the

National Assembly to ratify two highly controversial pieces of legislation that much more striking.

4.(U) At the start of his presidential re-election campaign in March 2007, ATT celebrated International Women's Day by promising to revisit the Family Code proposals. His March 8 remarks, however, passed largely unnoticed and many women's leaders believed ATT was likely pandering for votes. His September 22 declaration in support of the Family Code caught everyone, ranging from women's and human rights groups lobbying in favor of the amendments, to Muslim leaders who view the proposed changes as un-Islamic, completely by surprise.

Muslim Leaders Uninformed and Unhappy

5.(U) ATT's September 22 speech sparked a religious backlash that shows no signs of abating. Muslim leaders, whether Sufi or Sunna/Wahhabi, appear united in their opposition to reforms they regard as un-Islamic. Additionally, many Muslim leaders believe ATT violated Mali's time-honored tradition of consensus by failing to consult with key interest groups and power-brokers before asking the National Assembly to change the laws.

6.(U) Many Muslim leaders are also asking themselves why ATT decided to advocate abolition of the death penalty and the Family Code amendments now. Some believe pressure from women's groups and First Lady Toure Lobbo Traore may have forced ATT to act. Others suspect ATT's announcement was timed to coincide with a recent trip to France to cement European Union development assistance.

BAMAKO 00001336 002 OF 003

7.(C) Several Muslim groups led by Mohamed Kimbiri are actively pressuring National Assembly Deputies to oppose both bills. The Embassy visited Kimbiri in his office one morning as he was busily working the telephones, trying to gauge opposition within the Assembly while at the same time arranging protest marches. At one point Kimbiri placed a hand over his cell phone, announced that he had 11 Assembly Deputies ready to oppose the bills, and said "We are lobbying the National Assembly. It's the American way."

8.(C) Mainstream Muslim leaders have lead several protest meetings, including a very large meeting of perhaps as many as 3000 people on November 4 at the Grand Mosque in downtown Bamako. The meeting was peaceful, although tensions rose at the outset when protesters discovered that police had barred entry to the Grand Mosque, perhaps in an attempt to block the participation of a handful of fringe Islamists. Bamako's Governor quickly intervened, ordering police to allow the meeting to proceed. In addition to Kimbiri and other Sunna/Wahhabi leaders, the demonstration featured the well-known Sufi preacher and Imam Cherif Ousmane Madani Haidara, a member of Mali's High Council of Islam. Imam Haidara is famous for his media savvy, his belief that Malians not fluent in Arabic may pray in local languages, and for his role as one of the first religious leaders to openly criticize the reign of former dictator Moussa Traore. Demonstration participants unfurled banners reading "Down with the Decisions of the Government that are Against the Muslim Religion."

Unintended Outcomes Worrisome

9.(C) The mobilization of the Muslim community against the Family Code and abolition of the death penalty has opened the way for several presumably unintended and, in some cases, worrisome outcomes. Muslim anger has likely endangered the viability of the legislation. Supporters of the legislation

are quick to note that neighboring Senegal, which is very similar to Mali in terms of religious composition, has managed to pass similar laws. However, these arguments appear to have been overwhelmed, at least for the time being, by the indignation of local Muslim leaders. An extremely un-scientific poll run by one of Mali's main opposition newspapers, Info-Matin, found that more than 70 percent of Malian Muslims oppose abolition of the death penalty. Although the Family Code was not part of the newspaper's survey, opposition levels among Muslims are likely similar. In a country that is over 90 percent Muslim, many National Assembly Deputies will likely think twice before casting votes that could be portrayed by incensed religious leaders as "un-Islamic."

10.(C) An additional outcome is the potential weakening of the High Council of Islam. The High Council was created by the Malian government in 2002 to standardize the quality of preaching in Malian mosques, serve as the Muslim community's primary interface with the government, and moderate relations between Malian Sufis and Sunna/Wahhabis. Following ATT's September 22 speech, High Council leaders agreed to demarche ATT directly on their opposition to the Family Code and abolition of the death penalty. The High Council's selected representatives, however, proved unable to meet with ATT. Several Muslim leaders have told the Embassy that they believe the leaders of the High Council are too close to the government and may no longer represent the interests of the greater Malian Muslim community. Perhaps aware of this sentiment, Prime Minister Modibo Sidibe visited on November 2 with the heads of Bamako's three founding families to discuss the Family Code and death penalty measures. These families hold a ceremonial leadership role for having been the first to settle what is now present day Bamako and frequently assume conflict-resolution duties.

11.(C) More worrisome is the potential strengthening of a minority of fringe Islamists. Opposition leader and former National Assembly President Ibrahim Boubcar Keita recently told the Embassy that he feared ATT's failure to consult with Muslim leaders prior to re-introducing the Family Code and death penalty bills had opened the window for Islamists who support the implementation of Sharia law, advocate the strict interpretation of the Koran, but have no traction with the Malian public. Modibo Sangare, who leads the most vocal Islamist group, has charged that abolishing the death penalty and amending the Family Code constitutes the imposition of "western" values on Malian society and is the first step toward the legalization of gay marriage, among other things. On November 13 security forces used tear gas and batons to disrupt a meeting led by Sangare in Bamako. Perhaps as many as 40 people were injured (septel).

BAMAKO 00001336 003 OF 003

Comment: Legislative Branch Relevant After All?

12.(C) The controversy is an interesting step in Mali's emerging democracy. The furor indicates that the newly elected National Assembly is not a rubber stamp for President Toure, despite recent elections that gave a clear majority of Assembly seats to allies of the President. While some Muslim leaders have accused ATT of trying to impose "western" values on Malian culture, there appears to be little hostility toward the "west." In fact, many Muslim leaders, including Islamists like Modibo Sangare, have cited the U.S. position on the death penalty while arguing against abolition in Mali.

13.(C) Leaders of women's groups lobbying for the Family Code changes remain optimistic about the bill's chances. One women's leader said that new National Assembly President Diounounda Traore was more likely to support the Family Code amendments than his predecessor, Ibrahim Boubacar Keita, who

maintained close ties to Muslim leaders. ATT's failure to consult with key Muslim leaders in advance may have doomed the very legislation he asked the National Assembly to pass.

14.(C) ATT's decision to re-introduce the death penalty abolition and the family code in the same speech linked two issues that were previously related only by the Muslim community's opposition to them. Muslim leaders in contact with the Embassy report that the government has not even shared the revised text of the Family Law with Mali's Muslim community. While providing Muslim leaders with the actual document under review will likely not alter their opinion of the matter, it would help to at least reduce some of current tensions. Whatever the results, the importance placed by all players (including ATT) on the National Assembly is a good indicator that Mali's legislative branch is becoming the institutional pillar it needs to be to support Mali's nascent democracy.
McCulley